

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 21 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MARTIN ANGELES BALTAZAR,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-74171

Agency No. A079-524-154

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 13, 2009**

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Martin Angeles Baltazar, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's order denying his motion to reopen removal proceedings conducted *in absentia*. We have jurisdiction pursuant to 8 U.S.C.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

§ 1252. We review for abuse of discretion the denial of a motion to reopen, *Celis-Castellano v. Ashcroft*, 298 F.3d 888, 890 (9th Cir. 2002), and we deny the petition for review.

The agency did not abuse its discretion in denying Baltazar's motion to reopen because the doctor's note he provided was insufficient to establish "exceptional circumstances." *See id.* at 892.

Baltazar's contention that the agency violated due process by disregarding evidence is not supported by the record. Contrary to Baltazar's contention, the BIA provided a reasoned explanation for its decision. *See Movsisian v. Ashcroft*, 395 F.3d 1095, 1098 (9th Cir. 2005).

PETITION FOR REVIEW DENIED.